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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,382	12/19/2000	Matthew R. Curreri	MATP-593US	3159
23122	7590	07/08/2004	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			BELIVEAU, SCOTT E	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/740,382

Applicant(s)

CURRERI, MATTHEW R.

Examiner

Scott Beliveau

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 24 May 2004. These drawings are approved.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-9, 11-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05886), in view of Oosterhout et al. (WO 98/56176), and in further view of Matthews, III (US Pat No. 5,654,748).

In consideration of claim 1, the Agasse reference, as illustrated in conjunction with Figures 8A/B illustrates a "display interface having a group of channels for tuning a television receiver". The "display interface" [80] comprises a "channel matrix having n columns and m rows for display a plurality of definable channels indicators for at most n x m channels, where n and m are positive integers greater than 2, each definable channel indicator corresponding to a respectively different position in the matrix" (Page 20, Line 27 – Page 21,

Art Unit: 2614

Line 2), a “cursor configured to be moved to positions along the rows and columns of the matrix” [83] that further services as a “channel selector” (Page 21, Lines 4-21), and a “channel status section” [84] separate from the “channel matrix” that “displays status information of . . . a television channel corresponding to the indicator at the position of the cursor on the matrix” in a manner such that the “channel status section and the channel matrix are displayed concurrently” (Page 21, Lines 4-9). The reference, however, does not disclose nor preclude the limitation “wherein channels having programs with viewer selected features are highlighted” or the limitation wherein the aforementioned “channel status section” [84] further includes a “channel number and a plurality of program property indicators”.

With respect to the “highlighting” limitation, the Oosterhout et al. reference discloses a “display interface having a group of channels” that facilitates the “tuning” of a “television receiver” [2]. Turning to Figure 4, the display comprises a “channel matrix having  $n$  columns and  $m$  rows for display a plurality of definable channels indicators for at most  $n \times m$  channels, where  $n$  and  $m$  are positive integers greater than 2, each definable channel indicator corresponding to a respectively different position in the matrix, wherein channels having programs with viewer selected features are highlighted” (Page 4, Lines 18-21; Page 5, Line 8-33). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the Agasse display so as to highlight channels having programs with viewer selected features for the purpose of providing a method of navigating through television programs which further enhances the convenience of using electronic

Art Unit: 2614

program guide by facilitating theme searches in conjunction with a mosaic screen display (Oosterhout et al.: Page 1, Lines 20 – Page 2, Line 23).

With respect to the “channel status section information”, the Matthews, III reference discloses a method for displaying “status information” regarding selected channel including “a channel number and a plurality of program property indicators” (Col 5, Lines 36-49). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the “channel status section” [84] of Agasse to include additional information such as that employed by Matthews, III for the purpose of readily informing a user of an interactive viewing system as what program is being viewed/selected and to further provide a means so as to quickly and easily obtain information regarding a program’s identity and other information about the program (Matthews, III: Col 1, Lines 44-50).

Claim 2 is rejected wherein the displayed channels are “one group of channels among a plurality of channels groups” in that only 20 of the 60 or more channels that are receivable are displayed (Agasse: Page 21, Lines 13-15). The embodiment further comprises a “channel group selector configured to be activated to switch the channel matrix among the groups of channels to select a current group of channels” such that the selection of the left navigation arrow switches to a new group or mosaic of 20 programs. Alternatively, in view of the combined teachings, the Oosterhout et al. reference discloses a “channel group selector” [42] which when enabled switches the “channel matrix among the groups of channels” such that the groups are defined by those programs belonging to a particular theme (Page 5, Lines 8-18).

Art Unit: 2614

Claim 3 is rejected wherein the “viewer selected features include a plurality of program types” associated with topics such as entertainment, movies, news, sports, etc. and the “display interface further includes means for selection one of the program types as the viewer selected feature” [42] (Page 5, Lines 8-18).

Claim 4 is rejected wherein the “program types are predetermined program types” (Oosterhout et al.: Page 3, Lines 7-13; Page 5, Lines 12-14).

Claim 6 is rejected wherein “viewer selected features include at least one program transmission characteristic” such as when a program is broadcast (Page 6, Lines 1-24).

In consideration of claim 7, the combined references do not explicitly disclose nor preclude that dimensions of the display interface such that “n and m equal 10 such that each group of channels includes at most 100 channels”. The Oosterhout et al. reference discloses that the embodiment is operable to support “zooming” such that a 4 x 4 or 8 x 8 matrix may be displayed (Page 6, Line 25-33). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to further support “zooming” such that “n and m equal 10 such that each group of channels includes at most 100 channels” for the purpose of easily determining a particular quadrant wherein most information matching the selected criteria is found in conjunction with larger matrixes of channels (Oosterhout et al.: Page 6, Lines 32-33). With respect to the limitation such that the “channel group selector displays a category indicator for the current group of channels”, it is unclear from the illustrations as to whether or not having selected a particular theme if the embodiment further displays the selected theme corresponding to the highlighted titles. Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to

Art Unit: 2614

modify the Oosterhout et al. reference, if necessary, to display a “category indicator for the current group of channels” for the purpose of providing a means by which the viewer is informed/reminded as to the particular selected relationship between the highlighted programs.

Claim 8 is rejected wherein “each definable channel indicator is said channel matrix is color-coded to indicate the status information of the corresponding channel” (Oosterhout et al.: Page 5, Lines 19-30).

Claim 9 is rejected wherein the Agasse reference discloses the use of a “remote control device” [29] including “at least on cursor navigation key for moving the cursor along the rows and columns of the matrix” [42] wherein the “channel selector is a further key on the remote control device” [43] (Page 21, Lines 4-11).

Claim 11 is rejected as aforementioned in the rejection of claim 1, wherein the “receiver” [2] is “configured to receive C channels, where C is an integer” and is more than 60 (Aggasse: Page 21, Lines 14-15). As illustrated in Figures 8A/B, the display comprises “channel indicators for at most  $n \times m$  channels, where n and m are positive integers greater than 2 and  $n \times m$  is less than C”.

In consideration of claim 12, as illustrated in conjunction with the implementation of the “channels having programs with viewer selected features are highlighted” shown in Figure 4 of Oosterhout et al., the method further comprises “prompting a viewer to select the features of the programs” through the display of a “channel group selector” [42] that “represents the one group of channels in which all channels indicators in the one group of channels that have at least on of the selected features are highlighted” (Oosterhout et al.: Page 5, Lines 8-18).

Claim 13 is rejected wherein the “step of highlighting the channel indicators for the programs having viewer selected features includes the step of displaying the highlighted channel indicators in a different color than other channel indicators in the channel matrix” (Oosterhout et al.: Page 5, Lines 19-33).

In consideration of claim 14, as illustrated in conjunction with Figure 4 of the Oosterhout et al. reference, the embodiment “prompts a view to select” by “displaying a feature selection portion including a plurality of features” [41/42/43] “representing respectively different types of programs” [42] and “at least one feature representing a function that may be performed on the channels represented by the channel matrix” such as the selection of a next group of channels [41] and/or the ability zoom in on the matrix [43]. Subsequently, the “channels having the programs with the selected program types” are “highlighted” and the “results of applying the at least one selected function to the to the possibly selected channel” in conjunction with the next [41] function is “displayed” in the “status information” (Page 6, Lines 1-24).

In consideration of claim 16, the Agasse reference discloses an “apparatus” [13] for “implementing a display interface” as illustrated in conjunction with Figures 8A/B. The apparatus as illustrated in Figure 2, comprises the “means for displaying” [14], the “means for moving a cursor” [29], the “means for displaying status information” [14], and the “means, responsive to the displayed status information for indicating a selection of the channel indicator” [29].

As aforementioned, “display interface” [80] comprises a “channel matrix having  $n$  columns and  $m$  rows for display a plurality of definable channels indicators for at most  $n \times m$



Art Unit: 2614

channels, where  $n$  and  $m$  are positive integers greater than 2, each definable channel indicator corresponding to a respectively different position in the matrix" (Page 20, Line 27 – Page 21, Line 2), a "cursor configured to be moved to positions along the rows and columns of the matrix" [83] that further services as a "channel selector" (Page 21, Lines 4-21), and a "channel status section" [84] "channel status section" [84] separate from the "channel matrix" that "displays status information of . . . a television channel corresponding to the indicator at the position of the cursor on the matrix" in a manner such that the "channel status section and the channel matrix are displayed concurrently" (Page 21, Lines 4-9). As aforementioned, the limitation " wherein channels having programs with viewer selected features are highlighted" is taught in conjunction with Oosterhout et al. (Page 4, Lines 18-21; Page 5, Line 8-33) and the limitation wherein the "channel status section" [84] advantageously further includes a "channel number and a plurality of program property indicators" is taught by Matthews, III (Col 5, Lines 36-49).

Claim 17 is rejected as outlined in conjunction with claim 1 wherein the combined references may be implemented via a "computer readable carrier including a computer program that controls a computer to implement a display interface" (Agasse: Page 12, Line 21 – Page 13, Line 3).

Claims 18 and 19 are rejected wherein the channel status section [84] further comprises a "brief summary of a program on a television channel corresponding to the indicator at the position of the cursor on the matrix" or a "channel logo of a television channel corresponding to the indicator at the position of the cursor of the matrix" (Col 5, Lines 36-49).

Art Unit: 2614

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05886), in view of Oosterhout et al. (WO 98/56176), in view of Matthews, III (US Pat No. 5,654,748), and in further view of Schein et al. (US Pat No. 6,13,909).

In consideration of claim 5, the Oosterhout et al. reference discloses that the embodiment is operable to search the EPG data based on the desired type of program (Page 5, Lines 14-17). The reference, however, does not disclose nor preclude that the embodiment may not further facilitate the searching of "program types defined by the viewer". The Schein et al. reference discloses a method locating programs of interest within a electronic program guide based on "program types defined by the viewer" in the form of a freeform text entry (Col 12, Line 66 – Col 13, Line 48). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to further provide "program types defined by the viewer" for the purpose of providing a means by which a user may flexibly provide search criteria by which to retrieve programming of interest (Schein et al.: Col 2, Lines 18-23).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05886), in view of Oosterhout et al. (WO 98/56176), in view of Matthews, III (US Pat No. 5,654,748), and in further view of Handelman (US Pat No. 6,654,721).

In consideration of claim 10, the combined Agasse and Oosterhout et al. references do not explicitly disclose nor preclude that the embodiment may further facilitate navigation within the program guide matrix utilizing a "voice recognition system". The Handelman reference discloses a "voice recognition system" [50] that "recognizes voiced direction commands to move the cursor along the rows and columns" of a program guide matrix and further "recognizes a voiced selection command to act as the channel selector" (Col 12, Lines

Art Unit: 2614

28-67; Col 14, Lines 14-51). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the combined teachings so as to utilize the “voice recognition system” of Handelman for the purposes of advantageously providing a voice activation device and method for operating various program guide functions in a television system (Handelman et al.: Col 2, Lines 21-24).

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05886), in view of Oosterhout et al. (WO 98/56176), in view of Matthews, III (US Pat No. 5,654,748), and in further view of Legall et al. (US Pat No. 6,005,565).

In consideration of claim 15, the Agasse reference discloses the ability to block adult material from being displayed in conjunction with a channel mosaic (Page 22, Lines 21-27). The combined references, however, do not explicitly disclose the usage of determining a “V-chip rating” in conjunction with the implementation locating programming of interest. The Legall et al. reference discloses a method for searching a program guide that “includes determining a V-Chip rating for the possibly selected channel” [420]. Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to further include a “function” that includes “determining a V-Chip rating for the possibly selected channel” as taught by Legall et al. for the purpose of implementing a program guide search tool that supports a plurality of search criteria for locating programming of interest.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of

Art Unit: 2614

claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Lawler et al. (US Pat No. 5,90,323) reference discloses a method of displaying summary information related to programming available in a separate window.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 9:00 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB  
June 22, 2004

  
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